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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,210	03/21/2001	Jim Spelman	SJM-10002/15	2314

7590 10/03/2003

Douglas J. McEvoy
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward Ave., Suite 400
Birmingham, MI 48009

EXAMINER

DAVIS, CASSANDRA HOPE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/814,210

Applicant(s)

SPELMAN, JIM

Examiner

Cassandra Davis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 3, 4, 8, 9, 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Guthrie, Australian Patent AU-A-25136/84 (AU 84 25136). Guthrie teaches a communication board comprising a support including a handle portion 14, a rigid planar display portion 12, a plurality of display sheets 17 rotatably secured to the top edge of the display portion utilizing either rings 16. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portions to a second position adjacent the opposite side of the display portion.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Johnston, U. S. Patent 2,915,849. Johnston teaches a holder comprising a support including a handle portion 45, a rigid planar display portion 12, a plurality of display sheet 17 rotatably secured to the top edge of the display portion utilizing either a

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pair of rings 16 or spiral ring 14. The sheets are mounted so that a sheet may be rotated from a first position adjacent a first side of the display portion to a second position adjacent the opposite side of the display portion. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the communication board with rings taught by Guthrie with spiral rings as taught by Johnson as an alternate means to binding the sheets together that more securely retains each sheet.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie.

6. With respect to claim 10, since the applicant does not teach that having the sheet having a width of 12" and a height of 6" solves any stated problem or is for any particular purpose, it appears that construct the device of any suitable dimension would perform equally well.

7. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Morden, U. S. Patent 841,706. Morden teaches a ring binder comprising a first portion **a** and a second movable portion **b** hinged to the first portion at **e**. Morden also teaches latch comprising a pin **f** engagable with detent **g**. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the ring taught by Guthrie with the ring taught by Morden to provide a means to selectively attached and remove the ring to the display portion.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Guthrie in view of Dinstbir, U. S. Patent 3,237,330. Dinstbir teaches a warning device for vehicles comprising a panel 10 and a post/handle inserted in to a base member 31. It would


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have been obvious to one having ordinary skill in the art at the time this invention was made to construct the handle of the device taught by Guthrie mounted in the base member as taught by Dinstbir to provide a means to selectively mount the device on the dashboard of a vehicle and to provide means of conveying information to passing motorist.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 703-308-2223. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Cassandra Davis
Primary Examiner
Art Unit 3611

CD
September 30, 2003